

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-2744

UNITED STATES OF AMERICA,

Appellee

v.

SANDRA YVONNE BUCKERIDGE
a/k/a
Natasha Massicot

Sandra Yvonne Buckeridge,

Appellant

On Appeal from the United States District Court
for the District of the Virgin Islands
(D.C. No. 07-cr-00017)
District Judge: Honorable Curtis V. Gomez

Submitted Under Third Circuit LAR 34.1(a)
April 21, 2009

Before: BARRY, HARDIMAN and COWEN, *Circuit Judges*.

(Filed: June 01, 2009)

OPINION OF THE COURT

HARDIMAN, *Circuit Judge*.

Sandra Buckeridge appeals her conviction for aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count IV). Buckeridge argues that § 1028A(a)(1) requires that the Government prove beyond a reasonable doubt that she knew the documents she used in committing her underlying felony belonged to an actual person. This issue, which was the subject of a difference of opinion among the United States Courts of Appeals, was resolved by the Supreme Court in *Flores-Figueroa v. United States*, 129 S. Ct. 1886 (2009). In *Flores-Figueroa*, the Court held that the Government must show that the defendant knew that the means of identification he used belonged to another person in order to prove aggravated identity theft. *Id.* at 1888. Because the Government made no effort to prove that Buckeridge had such knowledge, it has rightly conceded in its supplemental brief that Buckeridge's conviction for aggravated identity theft must be vacated. Accordingly, we will vacate Buckeridge's conviction on Count IV and remand for resentencing.